

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emma Stydahar	Team: Squad #13	CCRB Case #: 202004415	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Monday, 06/01/2020 11:55 AM	Location of Incident: Banyer Place and Croes Avenue; In front of § 87(2)(b)	Precinct: 43	18 Mo. SOL 12/1/2021	EO SOL 5/4/2022	
Date/Time CV Reported Mon, 06/01/2020 5:30 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 06/18/2020 10:44 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Costantino Barberis	00522	933632	ESS 03
2. DTS Ryan Bracconeri	05015	948690	ESS 03
3. PO Theo Roussos	15002	949584	ESS 03
4. Officers			
5. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DTS Michael Cacace	01990	929808	ESS 03
2. DTS Julio Mendez	4239	942193	ESS 03
3. SGT Williams Jeanbaptiste	04200	926992	043 PCT
4. LT Steven Caraballo	00000	932412	E S U
5. POM Daniel Castillo	23958	957432	043 PCT
6. PO Jimmy Narcisse	16974	957888	043 PCT
7. POM Jesse Mancuso	17486	955122	043 PCT
8. POM Steven Rodriguez	26663	965476	043 PCT
9. SGT Rochelle Fleary	01370	952737	043 PCT
10. POF Baseemah Merkman	01849	960938	043 PCT
11. POM Richard Joseph	27450	948229	043 PCT
12. POM Jose Blanco	20558	951548	043 PCT
13. POF Mia Martin	15223	967988	043 PCT
14. POF Elisamparo Fanas	09669	963508	043 PCT
15. POM Angel Suazopelaez	19969	968150	043 PCT
16. POF Lorraine Fuentes	09878	944221	043 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Costantino Barberis	Force: At Banyer Place and Croes Avenue in the Bronx, Sergeant Costantino Barberis used physical force against § 87(2)(b)	
B.DTS Ryan Bracconeri	Force: In front of § 87(2)(b) in the Bronx, Detective Ryan Bracconeri used physical force against § 87(2)(b)	
C.PO Theo Roussos	Force: In front of § 87(2)(b) in the Bronx, Police Officer Theo Roussos used physical force against § 87(2)(b)	
D. Officers	Force: In front of § 87(2)(b) in the Bronx, officers used physical force against § 87(2)(b)	
E. Officers	Force: In front of § 87(2)(b) in the Bronx, officers used physical force against § 87(2)(b)	
F. An officer	Force: In front of § 87(2)(b) in the Bronx, an officer used a chokehold against § 87(2)(b)	
G. An officer	Force: In front of § 87(2)(b) in the Bronx, in officer restricted § 87(2)(b)'s breathing.	
H. An officer	Force: In front of § 87(2)(b) in the Bronx, an officer used physical force against § 87(2)(b)	
I.DTS Ryan Bracconeri	Force: In front of § 87(2)(b) in the Bronx, Detective Ryan Bracconeri used physical force against § 87(2)(b)	
J.SGT Costantino Barberis	Force: In front of § 87(2)(b) in the Bronx, Sergeant Costantino Barberis used physical force against § 87(2)(b)	
K. An officer	Force: In front of § 87(2)(b) in the Bronx, an officer used physical force against § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		

Case Summary

On June 1, 2020, § 87(2)(b) called IAB and filed this complaint on behalf of individuals unknown to her, identified via investigation as § 87(2)(b) and § 87(2)(b). It was received by the CCRB on June 18, 2020.

On June 1, 2020, at approximately 11:55am, at Banyer Place and Croes Avenue in the Bronx, multiple officers from the 43rd Precinct and the Emergency Service Unit (ESU) responded to a dispute and attempted to disperse multiple civilians, including § 87(2)(b) and § 87(2)(b). Sergeant Constantino Barberis of ESU used physical force against § 87(2)(b) (Allegation A: Force, § 87(2)(g)). In front of § 87(2)(b) in the Bronx, Detective Ryan Braconeri and Police Officer Theo Roussos, both of ESU, took § 87(2)(b) to the ground (Allegations B-C: Force, § 87(2)(g)). Officers allegedly pushed § 87(2)(b) against a police vehicle (Allegation D: Force, § 87(2)(g)). Officers used physical force against § 87(2)(b) including punching him and placing a knee on his neck (Allegations E-G: Force, § 87(2)(g)). An officer allegedly pulled § 87(2)(b) hair (Allegation H: Force, § 87(2)(g)). Det. Braconeri sat atop § 87(2)(b) head (Allegation I: Force, § 87(2)(g)). Sergeant Barberis took § 87(2)(b) to the ground (Allegation J: Force, § 87(2)(g)). § 87(2)(b) was escorted to a police vehicle, where an officer allegedly shoved and punched him (Allegation K: Force, § 87(2)(g)). § 87(4-b) § 87(2)(g)

§ 87(2)(a) 160.50, [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

BWC” footage of this incident was obtained from NYPD Legal. § 87(2)(g)

Cell phone video of this incident was also provided to the investigation by § 87(2)(b) and by a witness, § 87(2)(b). § 87(2)(g)

Findings and Recommendations

Allegation (A) Force: At Banyer Place and Croes Avenue in the Bronx, Sergeant Costantino Barberis used physical force against § 87(2)(b)

§ 87(2)(b) (Board Review 22) said from her § 87(2)(b)-floor apartment at § 87(2)(b) she saw a group of 10-15 young men shooting fireworks in the middle of the street at the intersection of Croes Avenue and Banyer Place. After approximately 20 to 30 minutes, officers arrived and engaged in a verbal back and forth with the group of young men. § 87(2)(b) could not hear what was said, though she thought the officers ordered the group to disperse because after a few minutes, the young men began walking away into the street. The officers followed and the verbal back and forth continued.

As detailed in a Notice of Claim filed by § 87(2)(b) on behalf of § 87(2)(b) (Board Review 24), § 87(2)(b) went to Banyer Place with his nephew, § 87(2)(b) to escort § 87(2)(b) children to the children’s mother. An argument ensued which resulted in officers telling § 87(2)(b) and § 87(2)(b) to leave. The two complied with this order. The unidentified mother of the children followed the two and yelled at them. As § 87(2)(b) and § 87(2)(b) were walking away, officers approached from behind and an officer, identified via investigation as

Sgt. Barberis, shoved § 87(2)(b) forward. § 87(2)(b) told Sgt. Barberis not to touch him. Sgt. Barberis continued pushing § 87(2)(b) an unspecified number of times. § 87(2)(b) continued walking away but was angry at the treatment and cursed at Sgt. Barberis, however he did not touch any officer or threaten to do so.

As detailed in a Notice of Claim filed by § 87(2)(b) on behalf of § 87(2)(b) (**Board Review 25**), § 87(2)(b) and § 87(2)(b) went with other unidentified family members to escort a relative's children to the children's mother. An argument ensued between the mother and the father, resulting in officers telling § 87(2)(b) to leave. The Notice of Claim did not describe the use of force against § 87(2)(b).

§ 87(2)(b) provided cell phone video to the investigation which did not capture this aspect of the incident. § 87(2)(b) scheduled an interview which he missed, and he was uncooperative with additional contact attempts. § 87(2)(b) was contacted by phone, did not provide any statement to the CCRB, and was uncooperative with additional contact attempts. Contact attempts were made to § 87(2)(b) by phone and e-mail in order to schedule interviews with his clients and to obtain 50-H hearing transcripts, but he did not respond to the CCRB (see IAs for contact attempts).

Event documents revealed a request for assistance from the patrol sergeant in regards to a dispute (**Board Review 26**).

In the BWC footage from Sergeant Williams Jeanbaptiste of the 43rd Precinct (**Board Review 17**), at the 00:30 minute mark of the media player timestamp (visible at the bottom of the screen), Sgt. Jeanbaptiste approaches a group of individuals standing on the sidewalk in front of an apartment building (**Board Review 17**). § 87(2)(b) (dressed in white pants and a white shirt with a number "15" logo) yells, "I'm gonna kill that nigga. And I'm saying it...Play with my nephew again. Play with him again." § 87(2)(b) walks toward Croes Avenue, followed by an unidentified woman with red hair who is also yelling, until he turns back toward Sgt. Jeanbaptiste (at 01:00) and pounds the back of an unidentified man with his fist, though the two seem to be together. At 01:47, Sgt. Barberis and other ESU officers arrive and walk past Sgt. Jeanbaptiste.

In Sgt. Barberis' BWC footage (**Board Review 16**), at the 00:20 minute mark of the media player timestamp (visible at the bottom of the screen), Sgt. Barberis approaches a group of people standing near the corner of Banyer Place and Croes Avenue. Sgt. Jeanbaptiste is standing to the left alongside § 87(2)(b) (wearing a red sweatshirt) and other unidentified individuals. § 87(2)(b) is standing further up the block pacing near the corner. The audio starts at 00:30 with Sgt. Barberis saying, "You're leaving now" twice. At 00:32, Sgt. Barberis places his open-palmed left hand on § 87(2)(b) back. § 87(2)(b) immediately turns around to face Sgt. Barberis and says, "Don't touch me." § 87(2)(b) and other unidentified individuals surround § 87(2)(b) push him away from Sgt. Barberis, and hold him against the rear of a parked car as § 87(2)(b) yells at the officers.

Sgt. Barberis testified that he returned to his command from patrol (**Board Review 27**). A few minutes later, he heard a call for assistance over the radio in regards to a dispute. Sgt. Barberis and other officers from ESU walked around the corner to assist. Sgt. Barberis approached other officers who were already on scene and one of them, he did not know who, told him that they were trying to get the group to leave. Sgt. Barberis ordered § 87(2)(b) and the other individuals to leave. Sgt. Barberis acknowledged placing his hand on § 87(2)(b) shoulder after § 87(2)(b) refused to leave, but denied that he pushed him.

Force may be used by officers when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. NYPD Patrol Guide, Procedure 221-01 (**Board Review 28**).

§ 87(2)(g)

Allegation (B) Force: In front of § 87(2)(b) in the Bronx, Detective Ryan Bracconeri used physical force against § 87(2)(b)

Allegation (C) Force: In front of § 87(2)(b) in the Bronx, Police Officer Theo Roussos used physical force against § 87(2)(b)

Allegation (D) Force: In front of § 87(2)(b) in the Bronx, officers used physical force against § 87(2)(b)

Allegation (E) Force: In front of § 87(2)(b) in the Bronx, officers used physical force against § 87(2)(b)

Allegation (F) Force: In front of § 87(2)(b) in the Bronx, an officer used a chokehold against § 87(2)(b)

Allegation (G) Force: In front of § 87(2)(b) in the Bronx, in officer restricted § 87(2)(b)'s breathing.

Allegation (H) Force: In front of § 87(2)(b) in the Bronx, an officer used physical force against § 87(2)(b)

§ 87(2)(b) said officers followed the group of men in the street until they were in front of § 87(2)(b)'s building. An officer and one of the young men, identified via investigation as § 87(2)(b), continued arguing. § 87(2)(b) could not hear most of what was said because there was a lot of yelling and screaming, but she heard § 87(2)(b) say, "Why are you bothering us? We're not doing anything." § 87(2)(b) said something inaudible, and an unidentified officer (described as a Hispanic man who stood 5'4" tall, weighing about 200 pounds, and dressed in a blue uniform) grabbed his arms and threw him against the driver's side of a parked car. The unidentified officer grabbed § 87(2)(b) by both arms and threw him to the ground, though § 87(2)(b) could not describe how this occurred. An officer who was also involved in the takedown of § 87(2)(b) stood up and pulled on § 87(2)(b)'s hair, causing two or three dreadlocks to be pulled from his scalp. § 87(2)(b) described this officer as a Hispanic man who was 5'3" tall, weighed 180-200 pounds with a muscular build, and dressed in a blue uniform.

§ 87(2)(b) (**Board Review 29**), a tenant of § 87(2)(b) observed this incident from the window of her § 87(2)(b)-floor apartment. She said she did not know any of the individuals involved in the incident. § 87(2)(b) said she heard yelling and looked out the window, where she saw three officers running after § 87(2)(b) identified via investigation. § 87(2)(b) saw § 87(2)(b) on the ground, but she did not see how this occurred because she had turned away for about two minutes to retrieve her tablet to record the incident. Upon returning to her window, officers were on top of § 87(2)(b) though § 87(2)(b) was unsure how many officers and she could not describe the physical contact being made between the officers and § 87(2)(b) because there were other officers who were standing up as well as a parked

car obstructing her view. § 87(2)(b) yelled, “Get off of me” and “Why are you grabbing me?” § 87(2)(b) did not see any officer pull § 87(2)(b) hair, though she noted she saw two or three of his braids on the ground after he was lifted from the ground.

As described in the Notice of Claim filed on behalf of § 87(2)(b) § 87(2)(b) continued walking away from officers after Sgt. Barberis pushed him. Unspecified officers rushed § 87(2)(b) threw him against a car, punched him about his face and body, and then threw him to the ground. An unspecified officer placed his knee on § 87(2)(b) neck for “a period of time.” § 87(2)(b) did not resist or physically challenge the officers.

In the cell phone video § 87(2)(b) provided to the investigation (recorded by an unknown source) (**Board Review 20**), at the 00:17 minute mark of the media player timestamp (visible at the bottom of the screen), § 87(2)(b) (seen wearing a white shirt, white pants, and white shoes), § 87(2)(b) (seen wearing a red sweatshirt), and three other civilians walk in the street, followed by multiple officers. § 87(2)(b) yells profanities at officers and complains that an officer had touched him. At 00:25, he says, “I’ll knock one of you out.” The civilians continue walking down the street followed by the officers, and § 87(2)(b) calls the officers “pussies” and says “suck my dick” multiple times. At 00:51, Sgt. Barberis says, “All right, you’re under arrest.” At 01:00, officers take § 87(2)(b) to the ground (captured on the left side of the screen) and one officer takes § 87(2)(b) (wearing red) to the ground.

Cell phone video provided to the investigation by § 87(2)(b) begins after § 87(2)(b) was brought to the ground in the street (**Board Review 21**). The video depicts multiple officers standing around § 87(2)(b) in the street while he is on the ground but does not show any specific actions taken by the officers or § 87(2)(b).

In Sgt. Barberis’ BWC footage (**Board Review 16**), starting at the 00:44 minute mark of the media player timestamp (visible at the bottom of the screen), § 87(2)(b) yells at Sgt. Barberis, “Touch me again. Touch me again, you pussy, suck my dick.” § 87(2)(b) is pulled up the street by § 87(2)(b) (wearing a red sweatshirt) and other unidentified individuals. At 01:00, § 87(2)(b) says, “Push me again. I’m gonna knock one of you out.” A white van, apparently an unrelated civilian vehicle, is stopped in the road as the group walks down the street. At 01:15, Sgt. Barberis again tells the group to leave. § 87(2)(b) and the rest of the group move further into the middle of the street while § 87(2)(b) continues yelling obscenities at the officers. At 01:33, Sgt. Barberis says, “You’re under arrest. Come here.” § 87(2)(b) continues walking in the street, backing away in the opposite direction from the officers. At 01:40, Det. Bracconeri and PO Roussos run toward § 87(2)(b) who is standing with his arms out at his sides as the officers approach. Det Bracconeri and PO Roussos wrap their arms around § 87(2)(b) upper body, though the video does not show where specifically each officer makes contact and it does not show § 87(2)(b) actions after the officers grab him. The camera is quickly obscured by red clothing, which coincides with the arrest of § 87(2)(b) (addressed below in Allegation I).

In the BWC footage from Police Officer Steven Rodriguez of the 43rd Precinct (**Board Review 08**), at the 00:20 minute mark of the media player timestamp (visible at the bottom of the screen), PO Rodriguez stands on the sidewalk as ESU officers begin running up the street toward § 87(2)(b). At 00:28, PO Rodriguez approaches Det. Bracconeri and PO Roussos, who are struggling with § 87(2)(b) next to a parked SUV. § 87(2)(b) is brought to the ground and the video ends (PO Rodriguez testified that his camera fell off during the struggle).

In the BWC footage from Police Officer Jimmy Narcisse of the 43rd Precinct (**Board Review 10**), at the 01:00 minute mark of the media player timestamp (visible at the bottom of the screen), PO Narcisse approaches the struggle between officers and § 87(2)(b) after § 87(2)(b) is already on the ground. The footage does not show how he came to be on the ground. This video depicts officers placing § 87(2)(b) hands behind his back and handcuffing him.

Det. Bracconeri (**Board Review 30**) and PO Roussos (**Board Review 31**) provided the following generally consistent statements. After § 87(2)(b) threatened the officers, Sgt. Barberis said § 87(2)(b) was under arrest. Det. Bracconeri and PO Roussos approached § 87(2)(b) to effect the arrest. Det. Bracconeri ordered § 87(2)(b) to place his hands behind his back and grabbed one of his arms. § 87(2)(b) pulled away from the officers by twisting his body away from the officers and pulling his arm out of Det. Bracconeri's grip. PO Roussos added that § 87(2)(b) held his closed fist hands up in front of him in a fighting stance when he approached and § 87(2)(b) pushed PO Roussos' shoulder with both hands. PO Roussos kneeled down and grabbed § 87(2)(b) legs so that they both fell to the ground, where § 87(2)(b) was ultimately handcuffed. Det. Bracconeri could not describe how § 87(2)(b) was brought to the ground. Once on the ground, § 87(2)(b) resisted by pulling his arms underneath him. PO Roussos noted that § 87(2)(b) was also kicking his legs. PO Roussos and Det. Bracconeri, with the assistance of other patrol officers, pulled § 87(2)(b) arms around from underneath him and handcuffed him. Both officers denied pushing § 87(2)(b) against a car, punching him, pulling his hair, or kneeling on his neck, and they denied seeing any other officer do any of these things.

Sgt. Barberis testified that he made the determination to place § 87(2)(b) under arrest because despite the orders to leave, § 87(2)(b) persisted in making threats of physical harm to the officers and he refused to leave the area. Det. Bracconeri and PO Roussos performed a takedown on § 87(2)(b) in order to place him under arrest. However, Sgt. Barberis could not describe the specific force used against § 87(2)(b) because he became involved in the arrest of § 87(2)(b) (described below in Allegation I). Sgt. Barberis did not see any officer punch § 87(2)(b) pull his hair, kneel on his neck, or throw him against a car.

PO Rodriguez (**Board Review 32**) and PO Narcisse (**Board Review 33**), both described that the ESU officers who initiated the arrest of § 87(2)(b) grabbed him by his arms and wrists which prompted § 87(2)(b) to pull away from the officers. Neither officer could describe how § 87(2)(b) was brought to the ground. Both officers denied pushing § 87(2)(b) against a car, punching him, pulling his hair, or kneeling on his neck, and they denied seeing any other officer do so. According to their respective CCRB pedigree forms, PO Rodriguez is a Hispanic man, who stands 5'11" tall, and weighs 187 pounds, and PO Narcisse is a black man, who stands 5'10" tall, and weighs 210 pounds (**Board Review 34, 35**).

The BWC video and cell phone video capture § 87(2)(b) yelling at officers, making threats of physical harm toward them, and walking in the middle of the street before Sgt. Barberis determined that he would be placed under arrest. As Det. Bracconeri and PO Roussos approached § 87(2)(b) he continued backing away from the officers and held his arms out at his sides. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

The video evidence does not capture any officer punch § 87(2)(b) or place a knee against his neck. § 87(2)(b) and § 87(2)(b) were both uncooperative with being interviewed, and neither § 87(2)(b) nor § 87(2)(b) mentioned witnessing any of these allegations. Additionally, Sgt. Barberis, Det. Bracconeri, PO Roussos, PO Rodriguez, and PO Narcisse all denied participating in or witnessing any of these alleged actions. § 87(2)(g)

§ 87(2)(g)

Allegation (I) Force: In front of § 87(2)(b) in the Bronx, Detective Ryan Bracconeri used physical force against § 87(2)(b)

In Sgt. Barberis' BWC footage (**Board Review 16**), at the 02:08 minute mark of the media player timestamp (visible at the bottom of the screen), Sgt. Barberis handcuffs § 87(2)(b) Det. Bracconeri, visible in background in the upper left corner of the frame, is seen from behind kneeling on top of § 87(2)(b) head; both of Det. Bracconeri's legs and feet are on either side of § 87(2)(b) head. [Neither officer who took § 87(2)(b) to the ground activated their BWCs during this incident § 87(2)(g)]

As described above, Det. Bracconeri testified that § 87(2)(b) resisted being placed under arrest after he was on the ground by clenching his arms and refusing to place his arms behind his back. Det. Bracconeri, who was positioned over § 87(2)(b) head, back, and neck, assisted in placing § 87(2)(b) under arrest by grabbing § 87(2)(b) arms and pulling them out from under his body so that he could be handcuffed. Det. Bracconeri denied his placement over § 87(2)(b) head applied any pressure to § 87(2)(b) head, neck, or upper back. Det. Bracconeri positioned himself in this manner in order to gain leverage over § 87(2)(b) body so that he could overcome § 87(2)(b) resistance and pull his arms out from underneath him.

Force may be used by officers when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. NYPD Patrol Guide, Procedure 221-01 (**Board Review 28**).

§ 87(2)(g)

§ 87(2)(g)

[REDACTED]

Allegation (J) Force: In front of § 87(2)(b) in the Bronx, Sergeant Costantino Barberis used physical force against § 87(2)(b)

§ 87(2)(b) said at approximately the same time § 87(2)(b) was being apprehended, another civilian in the street, identified via investigation as § 87(2)(b) said to an officer, “Why are you bothering us? We’re not doing anything. All we were doing was shooting fireworks.” The officer grabbed § 87(2)(b) arms and threw him to the ground. § 87(2)(b) landed on his stomach. The officer pulled his hands behind his back and rear handcuffed him.

§ 87(2)(b) only described the forcible takedown of one civilian during this incident, identified via investigation as § 87(2)(b)

As described above, § 87(2)(b) and § 87(2)(b) were uncooperative with the investigation (see IA s for contact attempts). In the Notice of Claim filed on behalf of § 87(2)(b) it is noted that § 87(2)(b) was violently grabbed and thrown to the ground after officers approached § 87(2)(b) from behind. § 87(2)(b) did not resist.

In the cell phone video § 87(2)(b) provided to the investigation (recorded by an unknown source) (**Board Review 20**), at the 01:00 minute mark of the media player timestamp (visible at the bottom of the screen), officers are placing § 87(2)(b) under arrest next to a black SUV. § 87(2)(b) (wearing a red sweatshirt) moves in the direction of the officers arresting § 87(2)(b). At 01:03, Sgt. Barberis has his arms wrapped around § 87(2)(b) William’s waist. § 87(2)(b) has both arms outstretched to his sides and his torso turns toward the recorder of the video who is standing across the street. § 87(2)(b) and Sgt. Barberis fall to the ground in the street. Sgt. Barberis grabs § 87(2)(b) arms and he is handcuffed as other officers surround him.

Det. Bracconeri, PO Roussos, PO Rodriguez, and PO Narcisse did not observe any civilian attempt to interfere with § 87(2)(b) arrest, though they were involved in the volatile arrest of § 87(2)(b)

Sgt. Barberis said when Det. Bracconeri and PO Roussos approached § 87(2)(b) § 87(2)(b) ran at Det. Bracconeri, PO Roussos, and § 87(2)(b) which led Sgt. Barberis to believe that § 87(2)(b) William was attempting to interfere with § 87(2)(b) s arrest. § 87(2)(b) did not make physical contact with those officers or § 87(2)(b) Sgt. Barberis wrapped his arms around § 87(2)(b) from behind by the waist and held him for a moment, but because he was squirming away from Sgt. Barberis and still moving toward § 87(2)(b) and the officers arresting him, who were less than a few feet away, Sgt. Barberis took § 87(2)(b) to the ground by tripping him. § 87(2)(b) landed face down and was ultimately handcuffed.

The BWC video and cell phone video depict a fast-moving encounter while officers initiated the arrest of § 87(2)(b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (K) Force: In front of § 87(2)(b) in the Bronx, an officer used physical force against § 87(2)(b)

§ 87(2)(b) said once § 87(2)(b) was handcuffed, an officer, described as a Hispanic male, approximately 5'4" tall, with a muscular build, 200 pounds, 30 years old, short black hair, and dressed in a dark blue uniform, escorted him toward a patrol car, opened the rear door, and pushed him inside such that he landed on the seat on his side. § 87(2)(b) rolled onto his back. The officer hit and pushed him, and § 87(2)(b) kicked the officer. One kick struck the officer's hand. The officer then shut the car door.

The Notice of Claim filed on behalf of § 87(2)(b) did not allege any force related to his placement inside a police vehicle for transport.

§ 87(2)(b) testified that § 87(2)(b) was picked up from the ground, brought to a police vehicle, and placed inside. She did not describe any physical struggle between § 87(2)(b) and officers and did not see any officer strike him inside the police vehicle.

In the cell phone video obtained from § 87(2)(b) (**Board Review 21**), at the 01:20 minute mark of the media player timestamp (visible at the bottom of the screen), PO Roussos and Det. Bracconeri walk § 87(2)(b) to the rear passenger side door of a marked police SUV (**Board Review 21**). The two officers stand beside the doorway after § 87(2)(b) enters, but it is unclear whether any force is used, and § 87(2)(b) actions after he is inside the vehicle are not clearly depicted.

In Sgt. Jeanbaptiste's BWC footage (**Board Review 17**), at the 05:17 minute mark of the media player timestamp (visible at the bottom of the screen), Det. Bracconeri and PO Roussos lift § 87(2)(b) from the ground and escort him to the patrol car. At 05:23, PO Roussos opens the rear passenger door. Between 05:25 and 05:35, a struggle seems to take place between § 87(2)(b) and the officers, though Sgt. Jeanbaptiste is standing on the other side of the opened car door and the closed window is tinted, so § 87(2)(b) Det. Bracconeri's and PO Roussos' physical movements are obscured. At 05:40, PO Roussos shuts the vehicle door.

Det. Bracconeri and PO Roussos, both white men according to their respective CCRB pedigree forms (**Board Review 36, 37**), identified themselves as participants in placing § 87(2)(b) inside a patrol car for transport to the 43rd Precinct stationhouse. Their statements were generally consistent with each other. They said together, they escorted § 87(2)(b) to the patrol car. § 87(2)(b) who was handcuffed, sat down inside the car on his own, but resisted placing his legs inside the vehicle. He specifically kicked and twisted his legs. Det. Bracconeri did not recall how the officers were able to place § 87(2)(b) legs inside the car. PO Roussos said he and Det. Bracconeri, standing shoulder-to-shoulder, lifted § 87(2)(b) legs by his thighs to get them inside, and then closed the door. Both officers denied pushing, punching or striking § 87(2)(b) during this aspect of the incident, and both denied witnessing any other officer do so.

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) and § 87(2)(b) have been party (**Board Review 39, 40**).
- This is the third CCRB complaint to which § 87(2)(b) is a party (**Board Review 41**).
 - § 87(2)(b)
 -
- Sgt. Barberis has been a member of service for 17 years and has been a subject in seven additional complaints comprised of 10 allegations, none of which were substantiated.
- PO Roussos has been a member of service for 11 years and has been a subject in five additional complaints comprised of seven allegations, none of which were substantiated.
- Det. Braconeri has been a member of service for 11 years and has been a subject in seven additional complaints comprised of 10 allegations, one of which was substantiated.
 - In case #201312000, one premises entered and/or searched allegation was substantiated. The Board recommended Formalized Training, which the NYPD imposed.
- § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- According to the New York City Comptroller's Office, both § 87(2)(b) and § 87(2)(b) filed Notices of Claim regarding this incident. § 87(2)(b) is seeking \$680,000 in redress and § 87(2)(b) is seeking \$205,000 in redress for

the aforementioned allegations, as well as false imprisonment and serious physical injury which required surgery (**Board Review 24, 25**).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]

Squad No.: 13

Investigator: Inv. Emma Stydahr Inv. Emma Stydahr 02/08/2022
Signature Print Title & Name Date

Squad Leader: Laura Kastner IM Laura Kastner 02/08/2022
Signature Print Title & Name Date